



***COMMONWEALTH of VIRGINIA***  
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**MEMORANDUM**

**TO:** L. RICHARD MARTIN, JR.  
Virginia Department of Social Services

**FROM:** USHA KODURU  
Assistant Attorney General

**DATE:** August 4, 2005

**SUBJECT:** Proposed Regulation 22 VAC 40-80  
General Procedures and Information for Licensure

I have reviewed the attached proposed regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the attached proposed regulation and if the proposed regulation comports with applicable state law.

Virginia Code § 63.2-217 mandates that the State Board promulgate regulations that are necessary to carry out the provisions of Title 63.2. Virginia Code §§ 63.2-1732, 63.2-1733, 63.2-1734 specifically authorize the State Board to promulgate regulations relating to assisted living facilities, adult day care centers, and child welfare agencies. It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Orders 21 (2002) and 58 (1999), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-4905.

Attachment

cc: Kim F. Piner, Esquire